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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,963	03/12/2004	Mo-Han Fong	NRT.0121US (16634RRUS02U)	9041
21906	7590	07/26/2007	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			GONZALEZ, AMANCIO	
			ART UNIT	PAPER NUMBER
			2617	
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			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,963	Applicant(s) FONG ET AL.	
	Examiner Amancio Gonzalez	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 04/26/2007 have been fully considered but they are not persuasive.

The argued features, i.e., a wireless communications network including a base station to communicate with plural mobile stations over a wireless link, broadcasting messages to the plural mobile stations, indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link, read on the cited references as follows.

Lundby et al. (US Pat 7068683), hereafter "Lundby," is discussing a wireless communication system and method for combination transmission of packet data. The system provides, via a parallel signaling channel, a message to receivers identifying the transmission channels used for packet data transmissions (see the abstract). For packet data transmission, Lundby teaches wherein the base station determines the data rate and informs the mobile station. The base station receives the NDRC from each mobile station and determines corresponding data rates for each mobile user. The data rate indicator is then transmitted to each mobile station at step 134 of fig. 11 (see col. 9 lines 41-45, col. 10 lines 9-12). Regarding the applicant's argument in reference to data rate change indication from the base station to a plurality of mobile terminals, Lundby discloses wherein "in one embodiment, a base station in a wireless communication system first sets up low delay data, effectively as high priority, and then schedules packet data services according to the available power after satisfying the low delay

data. The packet data service transmits the packet data to one mobile user at a time. Alternate embodiments may provide packet data to multiple mobile users at a time, dividing the available power among the multiple users. At a given time, one user is selected as a target recipient based on the quality of the channel. The base station determines a ratio of the available power to the pilot channel power and provides the ratio to the selected mobile user," (see col. 1 lines 65-67, col. 2 lines 1-10) hence indicating to the mobile stations a transmission rate change inherent in the transmission power to data transmission ratio. Regarding data transmission on the reverse wireless link, it is well known in the art as the mobile station-to-base station link; nonetheless, Chen et al. (US Pat 7155236), hereafter "Chen," was cited to emphasize said common knowledge. Therefore, Lundby, as modified by Chen, discloses the limitation of "a wireless communications network including a base station to communicate with plural mobile stations over a wireless link, broadcasting messages to the plural mobile stations, indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link," consequently also disclosing the limitation of "independent claims 1 and 20 and their respective dependent claims."

As a result, the argued features are written such that they read upon the cited references.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-12, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (US Pat 7068683), hereafter "Lundby," in view of Chen et al. (US Pat 7155236), hereafter "Chen".

Consider claims 1 and 20, Lundby discloses a wireless communications network **(see Lundby: Abstract; col. 3 lines 8-10; fig. 1)**. Lundby discloses communicating data with plural mobile stations over a wireless link **(see Lundby: Abstract; col. 6 lines 19-25; figs. 1, 5)**. Lundby discloses sending a broadcast message to the plural mobile stations **(see Lundby: Abstract; col. 8 lines 25-38)**.

Lundby discloses the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions **back to the base station (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134)**, but does not particularly refer to transmission to **back to the base station** as reverse link. Chen discloses mobile station transmission on the reverse link **(see Chen: col. 2 lines 25-32 and 67; col. 3 lines 1-6)**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Lundby and have it refer to reverse link for mobile-to-base channel communication, as taught by Chen, thereby utilizing an appropriate conventional technical term to distinguish transmission wireless channels between base and mobile stations.

Consider claims 2, 3, 4, and 7, Lundby, as modified by Chen, teaches claims 1, 13, and 14 above respectively; and Chen further discloses grant message on grant message channel on a CDMA system (see Chen: col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52).

Consider claims 5 and 6, Lundby, as modified by Chen, teaches claim 4 above; and Chen further discloses MAC ID settings (see Chen: col. 28 Lines 3-4).

Consider claims 8 and 25, Lundby, as modified by Chen, teaches claims 7 and 20 above respectively; and Chen further discloses a shared resources system and mobile ID assignment (see Chen: Abstract; col. 1 Lines 45-50).

Consider claims 9 and 12, Lundby, as modified by Chen, teaches claims 1 and 8 above; and Lundby further discloses changing data rates for transmissions back to the base station (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

Consider claims 10, 11, 21, and 22, Lundby, as modified by Chen, teaches claims 1, 20, and 21 above respectively; and Chen further discloses autonomous transmitting mode (see Chen: Title; col. 1 lines 17-20; col. 13 lines 45-51 and 66-67; figs. 5, 7, 8).

Consider 23, and 24, Lundby, as modified by Eto, teaches claim 20 above; and Lundby further discloses indicating data rate to mobile stations (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

4. Claims 13, 14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (US Pat 7068683), hereafter "Lundby," in view of Eto et al. (US 6252898 B1), hereafter "Eto."

Consider claim 13, as amended, Lundby discloses a system in a wireless communications network (**see Lundby: Abstract; col. 3 lines 8-10; fig. 1**), communicating data with plural mobile stations over a wireless link (**see Lundby: Abstract; col. 6 lines 19-25; figs. 1, 5**). Lundby discloses sending a broadcast message containing an identifier (**see Lundby: col. 8 lines 31-38**). Lundby discloses the identifier set to a first value to uniquely identify one of the plural mobile stations (**see col. 4 lines 53-58**).

Lundby discloses broadcasting an identifier *and control signaling* to a plurality of mobile stations (**see col. 8 lines 3-11, lines 25-38**) and indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link (***reverse link read on mobile station transmitting to the base station -see col. 9 lines 41-45, col. 10 lines 9-12, fig. 11 step 34***), but does not particularly refer to changing data rate in reference to a predetermined value. Eto teaches changing data rate in reference to a predetermined value (**see abstract, col. 2**

lines 59-67, col. 3 lines 16-21, where Eto discusses a changing data rate according to a predetermined value).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Lundby and have it include changing data rate in reference to a predetermined value, as taught by Eto, thereby providing means for improving data transmission and power efficiency in a spread spectrum wireless communication system.

Consider claim 14, Lundby, as modified by Eto, teaches claim 13 above; Lundby further implicitly discloses layer 2 messaging (data transmission reads on layer 2 messaging –see Lundby: Title; Abstract; col. 1 lines 25-29).

Consider claim 17, Lundby, as modified by Eto, teaches claims 1 and 8 above; and Lundby further discloses changing data rates for transmissions back to the base station (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

Consider claims 18 and 19, Lundby, as modified by Eto, teaches claim 13 above; and Lundby further discloses indicating data rate to mobile stations (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (US Pat 7068683), hereafter "Lundby," in view of Eto et al. (US 6252898 B1), hereafter "Eto," as applied to claims 13 and 14 respectively, further in view of Chen et al. (US Pat 7155236), hereafter "Chen".

Consider claim 15, Lundby, as modified by Eto, teaches claim 14 above, but does not particularly refer to grant message on grant message channel on a CDMA system. Chen teaches grant message on grant message channel on a CDMA system (see Chen: col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Lundby and Eto and have it grant message on grant message channel on a CDMA system, as taught by Chen, thereby providing means for coordinating data transmission in a cellular network, as taught by Chen (see col. 2 lines 21-40).

Consider claim 16, as amended, Lundby, as modified by Eto, teaches claim 13 above; Eto further teaches setting parameters according to a predetermined value (see abstract, col. 2 lines 59-67, col. 3 lines 16-21, where Eto discusses a changing data rate according to a predetermined value), but the reference combination does not particularly refer to grant message on grant message channel on a CDMA system. Chen teaches grant message on grant message channel on a CDMA system (see Chen: col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Lundby and Eto and have it include grant message on grant message channel on a CDMA system, as taught by Chen, thereby providing means for coordinating data transmission in a cellular network, as taught by Chen (see col. 2 lines 21-40).

Response to Arguments

6. Applicant's arguments with respect to **claims** 13-19 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) And *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Lundby and Chan is appropriate for a *prima facie* case of obviousness.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Delaney Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio Gonzalez, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

July 20, 2007


RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER

7/23/07